

IN THE U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT VERBANIK  
Pro-Se Plaintiff

Vs.

Super. Michel Harlow, Et.Al.  
Defendants

CIVIL #  
09-448

Mag. Judge Lenihan

PLAINTIFF'S MOTION IN OPPOSITION TO  
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

And now comes Plaintiff, Robert Verbanik, respectfully submits this response in opposition to Defendant's motion for summary judgment.

1) Plaintiff, Robert R. Verbanik, Is a Pro-Se petitioner and prisoner in the custody of the D.O.C. and is incarcerated at the S.C.I. at ROCKVIEW.

2) Plaintiff brought suit under 42 U.S.C. §1983 and state tort violations while in the custody at S.C.I. MERCER and was a victim of retaliatory transfer to S.C.I. ROCKVIEW for accessing his Court.

3) Plaintiff filed Doc. # 93, which was agreed to as a plaintiff's motion for summary judgment via tele-conference with Judge Lenihan and Dep. A.G. and the Defendants were ordered to respond.

4) Defendants have filed their response by a summary judgment and assorted other documents D.O.C. #'s 95-97.

5) Plaintiff is responding herein with his opposition motion, Concise statement answers, and a brief in support of his opposition.

6) Wherin, Plaintiff claims the defendant's motion are without merit and frivolous.

7) Plaintiff's summary judgment, 2nd Amended complaint and other related documents are incorporated herein in there entirety as if fully restated herein by this reference. for the reasons contained herein and therein, Plaintiff prays the Court to dismiss Defendant's motion for summary judgment, to rule in Plaintiff's favor and to move forward with this case.

Wherefore, Plaintiff respectfully requests for judgment in his favor against herein named Defendants as to all their claims for summary judgment.

The foregoing motion I attest  
to the truthfulness and correctness  
under penalty of Perjury at 28 U.S.C. 1746  
this 24<sup>th</sup> day of Feb., 2012.

Submitted by;

Robert R. Varbanik

*Robert R. Varbanik*

Dated 2-24-2012

GV-6719 S.C.I. ROCKVIEW  
Bellefonte, Pa. 16823

Verification

The facts set forth in the forgoing are true and correct.  
Any part herein which claims on information and belief, Plaintiff  
also believes to be true.

The herein motion is written pursuant to 28 U.S.C. 1746  
for perjury. "I declare under penalty of perjury that the  
foregoing is true and correct."

Executed this 7<sup>th</sup> Day of February, 2012 *Robert R. Verbanik*

Robert Verbanik

GV-6719 S.C.I. ROCKVIEW  
Box "A" Bellefonte,  
Pa. 16823-0820

PROOF OF SERVICE

I attest to the following; I sent by 1st class U.S. Mail  
on the 7<sup>th</sup> Day of March, 2012 the foregoing motion  
to the following;

To; Clerk of Courts-Western District  
P.O. Box 1805  
Pitts, Pa. 15230-1805

To; Dep. Att. Gen. Scholle  
564 Forbes Ave  
Pitts, Pa. 15219

From;

Robert Verbanik

Dated 2-7<sup>th</sup>, March, 2012 *Robert R. Verbanik*

GV-6719 Box "A"  
Bellefonte, Pa. 16823